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## FACSIMILE COVER SHEET

DATE: May 14, 2003

OUR REF.: MAT-7886US

TIME: \_\_\_\_\_

YOUR REF.: Serial No. 09/463,565

TO:	Filing Receipt Corrections Office of Initial Patent Examination
COMPANY:	USPTO
FROM:	Lawrence E. Ashery
FAX TELEPHONE:	703-746-9195
OFFICE TELEPHONE:	
TITLE OF DOCUMENT:	Request for Corrected Filing Receipt

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MAY 29 2003

TC 1700

Total Number of Pages: 6 (including this form)

### COMMENTS

### CONFIDENTIAL AND PRIVILEGED ATTORNEY/CLIENT INFORMATION

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MAT-7886US

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: T. Hashimoto et al.

Serial No.: 09/463,565

Group No.: 1746

Filed: April 21, 2000

Examiner: G. Winter

For: BATTERY PLATE AND  
BATTERYFiling Receipt Corrections  
Office of Initial Patent Examination  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450REQUEST FOR CORRECTED FILING RECEIPT

1. Attached is a copy of the official filing receipt received from the PTO in the above application for which issuance of a corrected filing receipt is respectfully requested.
2. There is an error with respect to the following data:

- ☒ Incorrectly entered  
and/or  
☐ omitted

Error in	Correct data
1. <input type="checkbox"/> Applicant's name	1.
2. <input type="checkbox"/> Applicant's address	2.
3. <input type="checkbox"/> Title	3.
4. <input checked="" type="checkbox"/> Filing Date	4. April 21, 2000
5. <input type="checkbox"/> Serial Number	5.
6. <input type="checkbox"/> Foreign/PCT Application Reference	6.
7. <input type="checkbox"/> Other	7.

3. No fee is due.

RatnerPrestia  
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(610) 407-0700

Respectfully submitted,

  
Lawrence E. Ashery, Reg. No. 34,515

## CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being facsimile transmitted (703-746-9195) to the Filing Receipt Corrections Office of Initial Patent Examination, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Lawrence E. AsheryRECEIVED  
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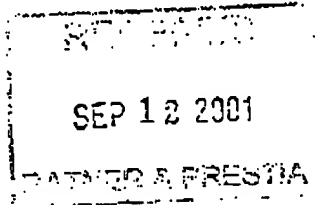


# UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FILE REC'D	ATTY DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/463,565	04/21/2000 <sup>X</sup> 2000	1745	970	MAT-7886US	3	7	3

Lawrence E Ashery  
Ratner & Prestia  
Suite 301 One Westlakes Berwyn  
PO Box 980  
Valley Forge, PA 19482-0980



CONFIRMATION NO. 6486

## FILING RECEIPT



\*OC00000005514741\*

Date Mailed: 09/05/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

### Applicant(s)

Tatsuya Hashimoto, Hyogo, JAPAN;  
Hiroyuki Murai, Osaka, JAPAN;  
Yorihito Ohana, Osaka, JAPAN;  
Hiroshi Matsuno, Osaka, JAPAN;  
Hideya Asano, Osaka, JAPAN;

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### Domestic Priority data as claimed by applicant

THIS APPLICATION IS A 371 OF PCT/JP99/02828 05/27/1999

### Foreign Applications

JAPAN 10/147117 05/28/1998

Projected Publication Date: N/A

Non-Publication Request: No

Early Publication Request: No

05-14-03

15:18

FROM-RatnerPrestia

6104070701

T-768

P.004/006

F-336

**Title**

Battery plate and battery

**Preliminary Class**

429

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**Data entry by : NGUYEN, SON**

**Team : OIPE**

**Date: 09/05/2001**

7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

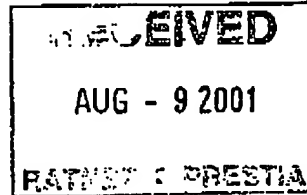
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Valley Forge, PA 19482-0980



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In re Application of  
HASHIMOTO, Tatsuya *et al*  
Application No.: 09/463,565  
PCT No.: PCT/JP99/02828  
Int. Filing Date: 27 May 1999  
Priority Date: 28 May 1998  
Attorney's Docket No.: MAT-7886US  
For: BATTERY PLATE AND BATTERY

DECISION ON PETITION  
TO WITHDRAW HOLDING OF  
ABANDONMENT

This decision is in response to applicants' "Response to Notice of Abandonment" filed on 28 June 2001. Applicants' response is treated as a petition to withdraw the holding of abandonment in the above-captioned application. No petition fee is required.

**BACKGROUND**

On 24 March 2000, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge required by 37 CFR 1.492(e) must be provided.

On 21 April 2000, applicants purportedly submitted an executed declaration, an assignment and a request for recordation along two checks to pay the required surcharge and assignment recordation fee. Applicants also authorized any additional fees to be charged to counsel's Deposit Account No. 18-0350.

On 13 June 2001, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909) stating that the above-captioned application was abandoned because applicants failed to respond to Form PCT/DO/EO/905 within the time period set.

On 28 June 2000, applicants filed the instant petition which was accompanied by, *inter alia*, copies of several documents purportedly filed 21 April 2000 including an executed declaration, an assignment, and a stamped postcard receipt, along with a copy of Express Mail label No. EL492448204US.

**DISCUSSION**

MPEP § 503 lists procedures to ensure receipt of any paper filed in the PTO. Applicants must enclose a self-addressed postcard identifying all of the papers filed. The PTO will stamp the receipt date on the card and place it on the outgoing mail. The

Application No. 09/463,565

Page 2

identifying data on the card must clearly identify the paper for which receipt is requested. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO.


In this case, applicants have provided a copy of the date-stamped filing receipt for the documents submitted 21 April 2000. The receipt clearly identifies the application by the name of the applicants, attorney docket number, and title. The filing receipt declares in a box labeled "DOCUMENTS" that the following documents were received: "1595 Assign, 1390(2), Dec/POA, Notification of Missing requirements, Checks (2), Express Cert." The postcard receipt is stamped "520 Rec'd PCT/PTO 21 APR 2000" across its face. This description is sufficient to prove that a declaration was filed on 21 April 2000. In addition, applicants included a copy of Express Mail label No. EL492448204US which has a "Date In" of "4 21 00" and is stamped as received by the USPS in Southeastern PA. on "APR 21 2000."

Accordingly, applicants have provided *prima facie* evidence that the declaration was received by the PTO on 21 April 2000.

However, applicants have not proven that the PTO cashed the \$130.00 check for the surcharge fee, or the \$40.00 check for the assignment filed on 21 April 2000. In fact, a review of PTO financial records for the above-identified application reveal that neither check was cashed. Nevertheless, the \$130.00 surcharge fee and the \$40.00 assignment fee have been charged to Deposit Account No. 18-0350 as authorized.

#### DECISION

For the reasons above, applicants' petition to withdraw the holding of abandonment is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an International filing date of 27 May 1999, under 35 U.S.C. 363, and a 35 U.S.C. 371(c) date of 21 April 2000. 

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

*James Thomson*  
James Thomson  
Attorney Advisor  
PCT Legal Office

Tel.: (703) 308-6457

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission 5

Application Number 09/463,565

Filing Date April 21, 2000

First Named Inventor T. Hashimoto et al.

Art Unit 1746

Examiner Name G. Winter

Attorney Docket No. MAT-7886US

## ENCLOSURES (Check all that apply)

☐ Fee Transmittal Form

☐ Fee Attached

☐ Amendment/Reply

☐ After Final

☐ Affidavits/Declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/  
Incomplete Application

☐ Response to Missing Parts under  
37 CFR 1.52 or 1.53

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a  
Provisional Application

☐ Power of Attorney, Revocation,  
Change of Correspondence  
Address.

☐ Terminal Disclaimer

☒ Request for Refund

☐ CD, Number of CD(s)

☐ After Allowance Communication  
to Group

☐ Appeal Communication to Board  
of Appeals and Interferences

☐ Appeal Communication to Group  
(Appeal Notice, Brief, Reply  
Brief)

☐ Proprietary Information

☐ Status Letter

☐ Other Enclosure(s) (please  
identify below):

Remarks:

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or  
Individual

Lawrence E. Ashery

Registration No. (Attorney/Agent)

34,515

Signature

Date

May 14, 2003

## CERTIFICATE OF TRANSMISSION / MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date:

May 14, 2003

Name (Print/Type)

Lawrence E. Ashery

Signature

Date

May 14, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: COMMISSIONER FOR PATENTS, P.O. Box 1450, ALEXANDRIA, VA 22313-1450.

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MAT-7886US

PATENT

# 12/ reg for  
refund

07-02-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<input checked="" type="checkbox"/> In re application of:	T. Hashimoto et al.	: Art Unit: 1746
Serial No.:	09/463,565	: Examiner: G. Winter
Filed:	April 21, 2000	:
FOR:	BATTERY PLATE AND BATTERY	:
<input type="checkbox"/> Patent No.:		: Issued:

**REQUEST FOR REFUND**

(Improper charge of Deposit Account)

Mail Stop 16  
Commission for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

S I R :

**I. REFUND REQUEST**

This is a request for refund with respect to the charge to Deposit Account No. 18-0350 shown on the statement dated March 31, 2003 for the above-identified

☒ application.

☐ patent.

☒ A copy of the monthly statement in which the error referred to occurs, accompanies this request.

US PATENT & TRADEMARK  
OFFICE

OFFICE OF FINANCE  
REFUND BRANCH



**II. FEES CHARGED FOR WHICH REFUND IS REQUESTED****AMOUNT OF  
REFUND  
REQUESTED**

- ☐ Filing fee
- ☐ Surcharge for filing the basic filing fee on  
a date later than the filing date of the  
application (37 CFR 1.16(e))

and/or

- ☐ Surcharge for filing the oath or  
declaration on a date later than  
the filing date of the  
application (37 CFR 1.16(e))

- ☐ Extension of term

\_\_\_\_\_ month

- ☒ Independent claims

\$78.00

- ☐ Issue fee

- ☐ Petition fee

- ☐ Patent maintenance fee

\_\_\_\_\_ maintenance fee

- ☐ Patent maintenance fee surcharge

- ☐ Other \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TOTAL REFUND REQUESTED \$78.00

**III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR**

The application originally contained three independent claims (claims 1, 5 and 6). In a Preliminary Amendment filed along with the , claims 8-10 were added and claim 5 was made dependent upon claim 1, leaving claims 1, 6 and 10 being independent. Therefore, there is a total of 3 independent claims.

**IV. MANNER OF REFUND**

Please make refund by

☒ crediting Account No. 18-0350.

☐ refunding payment.

Respectfully submitted,

Lawrence E. Ashery, Reg. No. 34,515  
Attorney for Applicants

Dated: May 14, 2003

Suite 301  
One Westlakes, Berwyn  
P.O. Box 980  
Valley Forge, PA 19482-0980  
(610) 407-0700

The Assistant Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on:

*[Signature]*  
*[Signature]*



UNITED STATES DEPARTMENT OF COMMERCE  
Pat nt and Trademark Office

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To replenish your Deposit Account, detach and  
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Date	3-31-03
Page	2

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FINA

P O BOX 980

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3	18	03	1056	2126307		7208	200.00	9847.07
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3	20	03	27	980709		8014	25.00	7927.07
3	20	03	661	76271784		7004	150.00	7777.07
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3	21	03	66	10389043		9204	-140.00	10787.07
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3	25	03	1	09463565	MAT-7886US	1201	78.00	10707.07
3	25	03	1	09117793		1251	110.00	10597.07
3	26	03	3	09612038	EQT-100US	2252	205.00	10392.07
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3	28	03	2	09467523	FEHB-144US	1801	750.00	8712.07
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3	31	03	211	78231425		7001	335.00	8347.07
3	31	03	1099	2056448		7205	100.00	8247.07

AN AMOUNT SUFFICIENT TO  
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TOTAL CREDITS  
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